

March 22, 2016

Judith C. Shay  
**VIA E-MAIL**

**RE: BYOB**

Dear Ms. Shay:

ISSUE: This office is in receipt of your e-mail of March 8, 2016, wherein you state that your license is currently in safekeeping. You inquire if it is permissible for you to permit patrons to bring their own alcohol ("BYOB") into your establishment.

Please be advised that Pennsylvania Liquor Control Board ("PLCB") records indicate that Riverview Inn, Inc. holds Restaurant Liquor License No. R-17173 (LID 46083) for use by it at premises located at 402 Shay Lane, Matamoras, Pennsylvania. PLCB records further reflect that the license is currently in safekeeping.

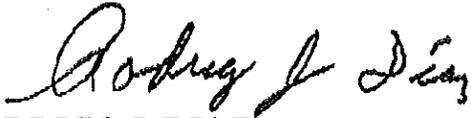
OPINION: If a license is placed in safekeeping, then the (formerly) licensed premises is treated as unlicensed premises for purposes of the Liquor Code. Additionally, there is nothing in the Liquor Code or the PLCB's Regulations that prohibits an individual from bringing his or her own alcohol ("BYOB") into any establishment, whether or not the establishment possesses a license issued by the Board. An establishment is, therefore, free to allow or disallow patrons from bringing their own alcohol onto its premises. The alcohol dispensed, however, must be legally procured in the Commonwealth of Pennsylvania.

Local municipalities may enact local ordinances prohibiting BYOB establishments. You may wish to consult your local elected officials as to any potential municipal restrictions.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND

REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS  
BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE  
PENNSYLVANIA LIQUOR CONTROL BOARD

Sincerely,

A handwritten signature in black ink, appearing to read "Rodrigo J. Diaz". The signature is written in a cursive style with a large initial 'R'.

RODRIGO J. DIAZ  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-083